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MAR 25 2004

Paper No. 7

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
James ASLANIS
Application No. 10/074,942
Filed: February 11, 2002
For: FRAME SYNCHRONIZATION IN
MULTICARRIER TRANSMISSION
SYSTEMS

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition for Withdrawal of Abandonment, filed February 11, 2004, requesting the holding of abandonment be withdrawn in the above-identified application.

This application was held abandoned for failure to the non-final Office action mailed July 2, 2003. A Notice of Abandonment was mailed February 2, 2004.

Petitioner states that a response was in fact timely filed. To support this assertion, petitioner has submitted a date-stamped copy of a return postcard which acknowledges receipt by the Patent and Trademark Office of an amendment, petition for an extension of time, information disclosure statement and transmittal sheet on January 5, 2004. Petitioner has also submitted a copy of the items.

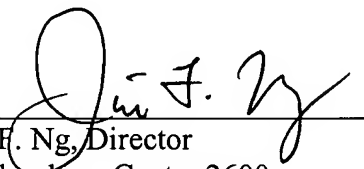
M.P.E.P. § 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

The response is considered timely filed even though the post card receipt bears a date of January 5, 2004, more than six months from the mailing of the Office action, since the response includes a certificate of mailing certifying deposit on January 2, 2004 and is accompanied with a petition for three months extension of time. Accordingly, the copy of the response is accepted.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file will be forwarded to the Technology Center's technical support staff for entry of the copy of the response. From there, the file will be forwarded to the examiner for appropriate action in due course.



Jin F. Ng, Director
Technology Center 2600
Communications